

**REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number: 10/767,661

Confirmation Number: 5386

Filing Date: January 29, 2004

First Named Inventor: Michael Svilar et al.

Group Art Unit: 3623

Examiner: McPhillip, Adrian J.

Attorney Docket Number: 10761.1467-00

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 C.F.R. § 1.114: Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise.** If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment.

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
- ii. ☒ Other Amendment and Response, filed January 22, 2010.
- b. ☐ **DO NOT ENTER** the amendment(s) previously filed on \_\_\_\_\_. An alternate submission is attached.
- c. ☐ Enclosed submission:
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement
- iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

3. Fees

- a. ☐ The filing fee is calculated as follows:
- i. ☒ \$810.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Petition for extension of time for (1 Month) \$130.00
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Payment in the amount of \$940.00 is being paid by credit card.
- c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account 06-0916.

**Signature of Applicant, Attorney, or Agent Required**

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Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.

Signature: 

Date: March 11, 2010

**Certificate of Mailing or Transmission**

I hereby certify that this correspondence is being transmitted via EFS-Web to the U.S. Patent and Trademark Office on: March 11, 2010

Name: Christine Shayda

Signature: 

Date: March 11, 2010